

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Enoch Sowah	Team: Squad #1	CCRB Case #: 202003343	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 05/15/2020 1:30 AM	Location of Incident: In front of § 87(2)(b)	Precinct: 52	18 Mo. SOL 11/15/2021	EO SOL 5/4/2022	
Date/Time CV Reported Sat, 05/16/2020 2:12 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 05/16/2020 2:12 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POF Gina Mestre	11607	955191	052 PCT
2. POM Bryan Scheblein	26121	955457	052 PCT
3. POF Christina Moncion	11670	954455	052 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Gina Mestre	Abuse: Police Officer Gina Mestre stopped § 87(2)(b)	§ 87(2)(b)
B.POM Bryan Scheblein	Abuse: Police Officer Bryan Scheblein stopped § 87(2)(b)	§ 87(2)(b)
C.POF Christina Moncion	Abuse: Police Officer Christina Moncion stopped § 87(2)(b)	§ 87(2)(b)
D.POF Gina Mestre	Abuse: Police Officer Gina Mestre stopped § 87(2)(b)	§ 87(2)(b)
E.POM Bryan Scheblein	Abuse: Police Officer Bryan Scheblein stopped § 87(2)(b)	§ 87(2)(b)
F.POF Christina Moncion	Abuse: Police Officer Christina Moncion stopped § 87(2)(b)	§ 87(2)(b)
G.POF Gina Mestre	Force: Police Officer Gina Mestre used physical force against § 87(2)(b)	§ 87(2)(b)
H.POF Gina Mestre	Abuse: Police Officer Gina Mestre frisked § 87(2)(b)	§ 87(2)(b)
I.POF Gina Mestre	Abuse: Police Officer Gina Mestre searched § 87(2)(b)	§ 87(2)(b)
J.POF Christina Moncion	Abuse: Police Officer Christina Moncion frisked § 87(2)(b)	§ 87(2)(b)
K.POF Christina Moncion	Abuse: Police Officer Christina Moncion searched § 87(2)(b)	§ 87(2)(b)
L.POM Bryan Scheblein	Abuse: Police Officer Bryan Scheblein searched the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
M.POF Gina Mestre	Abuse: Police Officer Gina Mestre threatened to arrest § 87(2)(b)	§ 87(2)(b)
N.POF Gina Mestre	Abuse: Police Officer Gina Mestre failed to explain to § 87(2)(b) the reason for a law enforcement activity.	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
O.POM Bryan Scheblein	Abuse: Police Officer Bryan Scheblein failed to explain to § 87(2)(b) the reason for a law enforcement activity.	
P.POF Christina Moncion	Abuse: Police Officer Christina Moncion failed to explain to § 87(2)(b) the reason for a law enforcement activity.	
Q.POF Gina Mestre	Abuse: Police Officer Gina Mestre failed to explain to § 87(2)(b) the reason for a law enforcement activity.	
R.POM Bryan Scheblein	Abuse: Police Officer Bryan Scheblein failed to explain to § 87(2)(b) the reason for a law enforcement activity.	
S.POF Christina Moncion	Abuse: Police Officer Christina Moncion failed to explain to § 87(2)(b) the reason for a law enforcement activity.	
T.POF Gina Mestre	Abuse: Police Officer Gina Mestre failed to provide § 87(2)(b) with a business card.	
U.POM Bryan Scheblein	Abuse: Police Officer Bryan Scheblein failed to provide § 87(2)(b) with a business card.	
V.POF Christina Moncion	Abuse: Police Officer Christina Moncion failed to provide § 87(2)(b) with a business card.	
W.POF Gina Mestre	Abuse: Police Officer Gina Mestre failed to provide § 87(2)(b) with a business card.	
X.POM Bryan Scheblein	Abuse: Police Officer Bryan Scheblein failed to provide § 87(2)(b) with a business card.	
Y.POF Christina Moncion	Abuse: Police Officer Christina Moncion failed to provide § 87(2)(b) with a business card.	
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		

Case Summary

On May 16, 2020, § 87(2)(b) called the CCRB and filed this complaint on behalf of himself, and his cousin, § 87(2)(b).

On May 15, 2020, at approximately 1:30 a.m., Police Officers Gina Mestre, Bryan Scheblein, and Christina Moncion, all from the 52nd Precinct, stopped § 87(2)(b) and § 87(2)(b) in front of § 87(2)(b) in the Bronx (**Allegations A through F: Abuse of Authority**, § 87(2)(g) PO Mestre used force against § 87(2)(b) (**Allegation G: Force**, § 87(2)(g) and frisked and searched him (**Allegations H and I: Abuse of Authority**, § 87(2)(g) PO Moncion frisked and searched § 87(2)(b) (**Allegations J and K: Abuse of Authority**, § 87(2)(g) PO Scheblein searched § 87(2)(b)'s vehicle (**Allegation L: Abuse of Authority**, § 87(2)(g) PO Mestre threatened to arrest § 87(2)(b) (**Allegation M: Abuse of Authority**, § 87(2)(g) Police Officers Mestre, Scheblein, and Moncion failed to explain to § 87(2)(b) and § 87(2)(b) the reason for their law enforcement activities (**Allegations N through S: Abuse of Authority**, § 87(2)(g) Police Officers Mestre, Scheblein, and Moncion failed to provide § 87(2)(b) and § 87(2)(b) with business cards (**Allegations T through Y: Abuse of Authority**, § 87(2)(g) § 87(2)(g), § 87(4-b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

No arrests or summonses resulted from this incident.
There is no video evidence in this case.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Gina Mestre stopped § 87(2)(b) -

Allegation (B) Abuse of Authority: Police Officer Bryan Scheblein stopped § 87(2)(b) -

Allegation (C) Abuse of Authority: Police Officer Christina Moncion stopped § 87(2)(b) -

Allegation (D) Abuse of Authority: Police Officer Gina Mestre stopped § 87(2)(b) -

Allegation (E) Abuse of Authority: Police Officer Bryan Scheblein stopped § 87(2)(b) -

Allegation (F) Abuse of Authority: Police Officer Christina Moncion stopped § 87(2)(b) -

Allegation (G) Force: Police Officer Gina Mestre used physical force against § 87(2)(b) -

Allegation (H) Abuse of Authority: Police Officer Gina Mestre frisked § 87(2)(b) -

Allegation (I) Abuse of Authority: Police Officer Gina Mestre searched § 87(2)(b) -

Allegation (J) Abuse of Authority: Police Officer Christina Moncion frisked § 87(2)(b) -

Allegation (K) Abuse of Authority: Police Officer Christina Moncion searched § 87(2)(b) -

Allegation (L) Abuse of Authority: Police Officer Bryan Scheblein searched the vehicle in which § 87(2)(b) was an occupant.

Allegation (M) Abuse of Authority: Police Officer Gina Mestre threatened to arrest § 87(2)(b) -

Allegation (N) Abuse of Authority: Police Officer Gina Mestre failed to explain to § 87(2)(b) the reason for a law enforcement activity.

Allegation (O) Abuse of Authority: Police Officer Bryan Scheblein failed to explain to § 87(2)(b) the reason for a law enforcement activity.

Allegation (P) Abuse of Authority: Police Officer Christina Moncion failed to explain to

§ 87(2)(b) the reason for a law enforcement activity.

Allegation (Q) Abuse of Authority: Police Officer Gina Mestre failed to explain to § 87(2)(b) the reason for a law enforcement activity.

Allegation (R) Abuse of Authority: Police Officer Bryan Scheblein failed to explain to § 87(2)(b) the reason for a law enforcement activity.

Allegation (S) Abuse of Authority: Police Officer Christina Moncion failed to explain to § 87(2)(b) the reason for a law enforcement activity.

§ 87(2)(b) (Board Review 01) said that he and § 87(2)(b) left § 87(2)(b)'s home, located at § 87(2)(b) in the Bronx, and walked approximately 600 feet towards § 87(2)(b)'s vehicle, a black § 87(2)(b) SUV with New York registered plate # § 87(2)(b) which was parallel parked at a legal street parking spot in front of § 87(2)(b). § 87(2)(b) was dressed in blue jeans, a red and black hooded sweater, and tan boots, whereas § 87(2)(b) wore a grey hoodie, grey sweatpants, and a grey jacket. It was dark outside, but there were streetlights that illuminated the streets and sidewalks. The two men did not interact with anyone on their way to § 87(2)(b)'s vehicle. Upon their arrival, § 87(2)(b) opened the rear door on the driver's side, and showed § 87(2)(b) a set of seat covers he had purchased for the vehicle. § 87(2)(b) then asked § 87(2)(b) to assist him with placing the seat covers over the vehicle's seats. § 87(2)(b) took a pair of the seat covers from the rear seats and moved to the front passenger's side of the vehicle and began placing the seat covers over the front and rear passenger seats. § 87(2)(b) remained on the driver's side, and placed the seat covers over the seats on the driver's side. § 87(2)(b) and § 87(2)(b) did not recall if the vehicle's engine was running at any point whilst they were by the vehicle, and § 87(2)(b) denied that his vehicle had any defects. At some point, § 87(2)(b) felt someone tap him on his shoulder whilst he was partially inside the rear seat on the passenger's side. § 87(2)(b) leaned out of the vehicle and saw three plainclothes officers (two female and one male), identified via investigation as PO Mestre, PO Scheblein, and PO Moncion (Board Review 03), all standing by the rear passenger door. The officers all appeared to have exited from a dark unmarked sedan, which was parked in the middle of the street. The officers ordered § 87(2)(b) and § 87(2)(b) to step away from the vehicle. § 87(2)(b) and § 87(2)(b) did not see the officers or their vehicle at any point prior to the officers' approach. One of the officers, who § 87(2)(b) described as a Hispanic woman in her 30s, 5'5" tall, medium build, had dark ponytailed hair, and identified via investigation as PO Mestre, pushed § 87(2)(b) on his chest as he leaned out of the vehicle, and pulled § 87(2)(b) towards the sidewalk. PO Mestre then moved her hands around § 87(2)(b)'s body on the outside of his clothing, and subsequently reached inside § 87(2)(b)'s hoodie and pants pocket. § 87(2)(b) did not know why PO Mestre pushed, frisked, and searched him, and did not recall having anything in his pockets that might have created a bulge, nor did he act aggressively towards the officers at any point during this incident. § 87(2)(b) also saw another officer, who he described as Hispanic woman in her 30s, 5'5" tall medium build, with dark hair, and identified via investigation as PO Moncion, escort § 87(2)(b) to the sidewalk, and appeared to move her hands around § 87(2)(b)'s body on the outside of his clothing. § 87(2)(b) did not know if PO Moncion reached inside § 87(2)(b)'s pockets, nor did he know why § 87(2)(b) was frisked. § 87(2)(b) saw the third officer, who he described as white man in his 30s, between 6'0" tall, and 6'3" tall, medium build, and identified via investigation as PO Scheblein, enter § 87(2)(b)'s vehicle, whilst the two female officers frisked and searched § 87(2)(b) and § 87(2)(b) and appeared to search the vehicle. § 87(2)(b) however, did not recall where in the vehicle PO Scheblein searched, nor did he recall if anything was recovered from the vehicle. § 87(2)(b) asked PO Mestre why the officers had frisked them and searched their vehicle, but PO Mestre ignored § 87(2)(b) and rather ordered § 87(2)(b) to produce his identification (ID). § 87(2)(b) refused, and said he would not provide his ID until the officers told him what was going on. PO Mestre then said to § 87(2)(b) "Do you want to get locked up right now? Tell me your name or I will lock you up." § 87(2)(b) verbally provided his name and date of

birth to PO Mestre. The three officers then returned to their vehicle, left the scene, and did not inform § 87(2)(b) and § 87(2)(b) why they were stopped, frisked, and searched.

§ 87(2)(b)'s testimony (Board Review 02) was consistent with that of § 87(2)(b)'s but with the following exceptions. He said his attention was first drawn to the officers when he heard someone yell, "Freeze don't move!" whilst he was partially inside the rear seat on the driver's side, and putting on the seat covers, and that upon leaning out of the vehicle, he saw the three plainclothes officers approach his vehicle's driver and front passenger's sides. § 87(2)(b) provided the same descriptions § 87(2)(b) provided for the three officers but added that PO Moncion wore a blue shirt. § 87(2)(b) also said that PO Moncion entered his pockets but did not recall having anything in his pockets. § 87(2)(b) also did not recall where in his vehicle PO Scheblein searched.

The Tour 3 Roll Call for the 52nd Precinct lists PO Mestre and PO Moncion as the only pair of female officers who were partnered with a male officer, PO Scheblein, on the incident date, and were all assigned to the Anticrime unit (Board Review 19). PO Mestre is listed in her MOS photo as a 30-year-old Hispanic woman, who stands at 5'6" tall, weighs approximately 175 pounds, with brown hair, and brown eyes (Board Review 20), whereas PO Moncion is listed as a 33-year-old Hispanic woman, who stands at 5'5" tall, weighs approximately 170 pounds, with brown hair, and brown eyes (Board Review 21). PO Scheblein is listed in his MOS photo as a 33-year-old white man, 6'0" tall, weighs approximately 190 pounds, with brown eyes, and black hair (Board Review 31). PO Mestre, PO Moncion, and PO Scheblein do not have entries in their memo books that place them in the vicinity of the incident location, nor do they have any entries that pertain to this incident (Board Review 15 – Board Review 17). They also do not have any body worn camera (BWC) footage that pertains to this incident but have footage for a vehicle stop at § 87(2)(b) which is approximately 400 feet from the incident location, on May 15, 2020 at approximately 1 a.m., which is approximately 30 minutes before this incident (Board Review 09).

Neither PO Scheblein, PO Moncion, nor PO Mestre (Board Review 04 -Board Review 08), had any recollection of this incident. They acknowledged that they were assigned to the 52nd Precinct Anticrime Unit on the incident date, were dressed in plainclothes, assigned to a dark unmarked Honda sedan, and conducted a vehicle stop at approximately 12:55 a.m., on May 15, 2020, at § 87(2)(b) which was approximately 400 feet from the incident location, and which they recorded on their body worn cameras (Board Review 09). They, however, did not recall talking any other law enforcement activity in the vicinity of the incident location on the incident date, nor did they recall ever interacting with § 87(2)(b) and § 87(2)(b). PO Mestre, PO Scheblein and PO Moncion, did not recall stopping, frisking, searching, threatening to arrest § 87(2)(b) and § 87(2)(b) nor did they recall using any force against a civilian. The officers also did not recall a search of § 87(2)(b)'s vehicle.

There was no Stop, Question, and Frisk Report Worksheet prepared for this incident (Board Review 10), and a warrant audit request for § 87(2)(b) § 87(2)(b) and the license plate number yielded negative results (Board Review 18). There was no BWC footage for this incident (Board Review 32).

The preponderance of the evidence established that PO Mestre, PO Scheblein, and PO Moncion were the officers who interacted with § 87(2)(b) and § 87(2)(b). PO Mestre, PO Scheblein, and PO Moncion were the only paired officers on the Roll Call that comprised of two female and one male officer, were near the incident location shortly before this incident, and their pedigree make up, clothing and vehicle descriptions matched that provided by § 87(2)(b) and § 87(2)(b) (Board Review 03). § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(g) § 87(2)(g)

Allegation (T) Abuse of Authority: Police Officer Gina Mestre failed to provide § 87(2)(b) with a business card.

Allegation (U) Abuse of Authority: Police Officer Bryan Scheblein failed to provide § 87(2)(b) with a business card.

Allegation (V) Abuse of Authority: Police Officer Christina Moncion failed to provide § 87(2)(b) with a business card.

Allegation (W) Abuse of Authority: Police Officer Gina Mestre failed to provide § 87(2)(b) with a business card.

Allegation (X) Abuse of Authority: Police Officer Bryan Scheblein failed to provide § 87(2)(b) with a business card.

Allegation (Y) Abuse of Authority: Police Officer Christina Moncion failed to provide § 87(2)(b) with a business card.

§ 87(2)(b) and § 87(2)(b) said they did not receive business cards at the conclusion of this incident, nor were they issued any summonses.

As discussed earlier, PO Scheblein, PO Moncion, and PO Mestre, had no recollection of this incident, and thus did not recall if or why § 87(2)(b) and § 87(2)(b) did not receive business cards.

A business card is to be offered for law enforcement activities, including stops, frisks, and searches of persons, except in situations where summonses are issued or an arrest is made. NYC Administrative Code 14-174 (Board Review 22).

§ 87(2)(g)

Given this and that no summons or arrest resulted from this incident, the officers were required to provide business cards per AC 14-174. § 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 27).
- PO Mestre has been a member of service for eight years, and has been a named subject in seven CCRB complaints, and 16 allegations, one of which was substantiated:
 - Case #201706534 involved a substantiated frisk allegation. The Board and the NYPD both recommended and imposed Command Discipline A.
 - § 87(2)(g)
- PO Scheblein has been a member of service for eight years, and has been a named subject in 18 CCRB complaints, and 62 allegations, six of which were substantiated, and 25 of which are pending investigations:
 - Case #201904525 involved a substantiated question allegation. The Board and the NYPD both recommended and imposed formalized training.
 - Case #2019095925 involved a substantiated failure to provide RTKA card, stop, frisk, and search of person allegations. The Board recommended Command Discipline B. The NYPD is yet to impose discipline.
 - PO Scheblein has six stop allegations, five vehicle search allegations, and five failure to provide business card allegations pleaded against him.
- PO Moncion has been a member of service for eight years, and has been a named subject in 14 complaints, and 44 allegations, 23 of which were not substantiated, and 21 of which are pending investigation.

- PO Moncion has five stop allegations, and seven frisk and search allegations pleaded against her.

Mediation, Civil, and Criminal Histories

- § 87(2)(b) and § 87(2)(b) declined to mediate this complaint.
- As of August 17, 2021, the New York City Office of the Comptroller had no record of a Notice of Claim being filed in regard to this complaint (Board Review 28).

- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Squad: ____1____

Investigator:	<u>Enoch Sowah</u>	<u>Inv. Sowah</u>	<u>09/27/2021</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Mgr. Joy Almeyda</u>	<u></u>	<u>9.28.21</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date